REMARKS

Claims 1-6, 8-10 and 18-32 are all the claims pending in the application and stand rejected.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1, 18, 25, 27 and 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dabak (U.S. Patent No. 6,862,275) in view of Toskala et al. (U.S. Patent No. 6,650,905). Applicant traverses this rejection for the following reasons.

Applicant respectfully submits that neither Dabak nor Toskala, either taken alone or in combination, disclose, at least "***determining weights for the other base stations based on a degree of likelihood of transmitting downlink user data***; and sending information, from the mobile terminal to the selected first base station and the other base stations, to modify the transmission power of the downlink signals of the selected first base station and the other base stations based on the determined transmission power of the downlink signals from said selected first base station and said other base stations not selected by said mobile terminal ***such that the downlink signals from the other base stations are individually weighted based on the determined weights to produce weighted downlink signals***," as recited in claim 1.

In the rejection, the Examiner alleges that Toskala teaches:

> [D]etermining, at the mobile terminal, transmission power of downlink signals from the selected first base station and the other base stations not selected by said mobile terminal.
>
> [S]ending information, from the mobile terminal to the selected first base station and the other base stations, to modify the transmission power of the downlink signals of the selected first base station and the other base stations based on the determined transmission power of the downlink signals from said selected first base station and said other base stations not selected by the mobile terminal.

(*Office Action*, p. 5; *citing Toskala* col. 10, lines 30-38 and 43-50).

However, Applicant respectfully submits that this portion of Toskala relied on by the Examiner fails to disclose, ***determining weights for the other base stations based on a degree of likelihood of transmitting downlink information***. In particular, this portion of Toskala teaches:

> In SSDT, according to the 3G TS 25.214 specification at Sec. 5.2.1.4.5, a non-primary cell can switch off its DPDCH output (i.e., no transmissions). The cell manages two downlink transmission power levels, P1, P2. Power level P1 is used for downlink DPCCH (dedicated physical control channel) transmission power level, and this level is updated as described above for ordinary transmit power control (or power control in compressed mode) regardless of the selected state (primary or non-primary). The actual transmission power of TFCI (transmit format combination indicator), TPC (transmit power control), and pilot fields of DPCCH is set by adding P1 and the offsets P01, P02 and P03, respectively.
>
> It should be realized that the currently proposed downlink transmit power control procedure controls simultaneously the power of a DPCCH (dedicated physical control channel) and its corresponding DPDCHs (dedicated physical data channels). The power control loop adjusts the power of the DPCCH and DPDCHs with the same amount, i.e., the relative power difference between the DPCCH and DPDCHs is not changed. According to Sec. 5.2.1.1 of the above-mentioned 3G TS 25.214, Version 3.1.0, the relative transmit power offset between DPCCH fields and DPDCHs is determined by the network. The TFCI, TPC and pilot fields of the DPCCH are offset relative to the DPDCHs' power by P01, P02 and P03 dB respectively. The power offsets may vary in time.

(*Toskala*, col. 10, lines 30-57).

Applicant submits that neither this portion, nor any other portion of Toskala disclsose, determining weights for the other base stations based on a degree of likelihood of transmitting downlink information. This feature is not contemplated in either Toskala, Dabak nor the Document 3G TS 25.214 v 3.1.1.1 relied on the Examiner in this rejection.

Thus, Applicant respectfully submits that claim 1 is allowable for at least this reason. Additionally Applicant submits that claims 2-5, 25 and 29 are allowable, at least because of their dependency.

Furthermore, because claim 18 recites features similar to those discussed above with regard to claim 1, Applicant submits that claim 18 is allowable, at least for the same reasons set forth above. Additionally, Applicant submits that claims 20-23, 27 and 30 are allowable, at least because of their dependency and by virtue of the features recited therein.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 2-6, 8-10, 19-24, 26, 28 and 31-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dabak (U.S. Patent No. 6,862,275) in view of Toskala et al. (U.S. Patent No. 6,650,905) as applied to claims 1 and 18 above, and further in view of Mohebbi (U.S. Patent No. 6,603,971).

Applicant respectfully submits that because Mohebbi, either taken alone or in combination with Dabak and/or Toskala, fails to compensate for the deficiencies noted above with regard to claims 1 and 18, that claims 2-5 and 20-23 are allowable, at least because of their dependency from claims 1 and 18.

With regard to claim 6, Applicant respectfully submits that the suggested combination fails to disclose, at least "wherein the user data from the selected first base station is ***demodulated by combining the downlink signal of the selected first base station and the downlink signals from said other base stations not selected by said mobile terminal such that the downlink signals from the other base stations are individually weighted*** based on the estimated uplink reception quality and combined with the downlink signal of the selected first

station while the first base station is selected as transmitting user data having the preferred reception quality.

In the rejection, the Examiner contends that Dabak and Toskala disclose most of the features recited in claim 6. However, the Examiner concedes that neither Dabak nor Toskala, either taken alone or in combination, disclose "wherein the user data from the selected first base station is demodulated by combining the downlink signal of the selected first base station and the downlink signals from the other base stations not selected by said mobile terminal such that the downlink signals from said other base stations are individually weighted based on the estimated uplink reception quality and combined with the downlink signal of the selected first base station."

To compensate for this deficiency, the Examiner applies Mohebbi alleging that it teaches demodulating by combining the downlink signals such that the downlink signals from the other base stations are individually weighted and combined with the downlink signal of the first base station.

In contrast, Applicant submits that Mohebbi merely discloses ranking an order of the base transceiver stations (BTSs) based on either a first come first served, a random or a received signal strength basis. (col. 6, lines 65-67 through col. 7, lines 1-6). However, this ranking message RM is transmitted to the BTS for use on the "soft handoff" procedure performed by the soft hand-off control portion 28. (col. 8, lines 1-60). No portion of Mohebbi discloses that this ranking message RM, or the ranking itself, is used to demodulate downlink signals from the BTSs. More particularly, Mohebbi fails to disclose that demodulation is performed by

combining the downlink signal of a selected first base stations and the signals from other base stations, wherein the signals from the other base stations are individually weighted based on the ranking. Associating the ranking message RM with demodulation is nowhere contemplated in Mohebbi.

Accordingly, Applicant submits that neither Mohebbi, Dabak nor Toskala, either taken alone or for their combined teachings, disclose, "wherein the user data from the selected first base station is demodulated by combining the downlink signal of the selected first base station and the downlink signals from said other base stations not selected by said mobile terminal such that the downlink signals from the other base stations are individually weighted," as recited in claim 6.

Thus, Applicant respectfully submits that claim 6 is allowable for at least this reason. Additionally, Applicant submits that claims 8-10 and 26 are allowable, at least because of their dependency from claim 6.

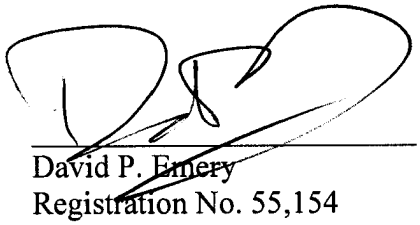
Additionally, because claim 19 recited features similar to those discussed above with regard to claim 6, Applicant submits that claim 19 is allowable for the same reasons set forth above. Further, Applicant submits that claims 24, 28, 31 and 32 are allowable, at least because of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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